

## **CHAPTER 54: PRETREATMENT SEWER USAGE**

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## GENERAL PROVISIONS

### 54.01 PURPOSE

This Chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Richmond Sanitary District and enables the District to comply with all applicable State and Federal Laws required by the Clean Water Act of 1977 and the General Pretreatment regulations (40 CFR Part 403).

The objective of this Chapter is:

- (a) To prevent the introduction of pollutants into the municipal wastewater treatment system which will interfere with the operation of the system or contaminate the resultant sludge.
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or otherwise be incompatible with the system.
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
- (d) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment, and the general public.
- (e) To enable the District to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

Except as otherwise provided herein, the Richmond Sanitary District Director shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other District personnel.

#### 54.02 DEFINITIONS

For the purpose of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "ACT" -- The Federal Water Pollution Control Act (PL 92-500) as amended by the Clean Water Act (PL 95-217) of 1977. (Ord. 38-1985)
- (b) "APPROVAL AUTHORITY" -- The Regional Administrator of Region V of the United States Environmental Protection Agency (EPA) or Director of a National Pollutant Discharge Elimination System (NPDES) state with an approved state pretreatment program. (Ord. 38-1985)
- (c) "APPLICABLE PRETREATMENT STANDARD" -- Any pretreatment limit or prohibitive standard (Federal, State and/or local) contained in the Chapter and considered to be the most restrictive with which non-domestic Users will be required to comply. (Ord. 93-2002)
- (d) "AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER" –
  - (1) If the User is a corporation:
    - (a) The president, secretary, treasurer, or vice-president of the operation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall

responsibility for environmental matters for the company, and the written authorization is submitted to the Director.

- (e) "BEST MANAGEMENT PRACTICES" (BMP)—As defined in 40 CFR Part 403.3(e), schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in 403.5(a)(1a) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge waste disposal, or drainage from raw materials storage.
- (f) "BIOCHEMICAL OXYGEN DEMAND" (BOD)-- The quantity of oxygen utilized in the biochemical oxidation of organic matter using standard laboratory procedures in five days at 20°C, and usually expressed as a concentration (milligrams per liter). (Ord. 93-2002)
- (g) "CATEGORIAL INDUSTRIAL USER" – An industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- (h) "CATEGORICAL PRETREATMENT STANDARD" -- See Definitions 54.02(nn)
- (i) "CHEMICAL OXYGEN DEMAND or COD"—A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (j) "COMBINED SEWER" -- The sewer intended to carry sanitary and industrial waste waters from residences, commercial buildings, industrial plants, institutions, and also to carry storm waters, surface runoff, street wash waters, and drainage. (Ord. 54-1981)
- (k) "COMMERCIAL USER" -- Any person owning an establishment offering lodging, selling goods (either retail or wholesale), or offering services for sale and contributing an average monthly flow in excess of 10,000 gallons. (Ord. 93-2002)
- (l) "COMPATIBLE POLLUTANT" -- BOD, TSS, pH, fecal coliform bacteria, and any additional pollutants as are now or may be in the future specified and controlled in the city's NPDES permit for its wastewater treatment works where the works have been designed and used to reduce or remove the pollutants to a substantial degree. (Ord. 93-2002)
- (m) "COMPOSITE SAMPLE" -- A composite sample should contain a minimum of four discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.
- (n) "CONTROL AUTHORITY" – The City of Richmond, Indiana, Richmond Sanitary District by and through its Board of Sanitary Commissioners and/or its Director.
- (o) "DAILY DISCHARGE" -- Discharge of a pollutant, measured during a calendar day or any 24-hour period, that reasonably represents a normal working day. (Ord. 93-2002)
- (p) "DAILY MAXIMUM" – The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (q) "DAILY MAXIMUM LIMIT" – The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the

arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(r) "DIRECTOR" -- The duly appointed and qualified Director of the Richmond Sanitary District or his authorized deputy, agent, or representative. (Ord. 54-1981)

(s) "DISTRICT" -- The Sanitary District of the City, acting by its duly-constituted Board of Sanitary Commissioners or their authorized representatives. (Ord. 54-1981)

(t) "DOMESTIC USER" -- All persons owning residential dwellings which discharge primarily domestic wastes or wastes from sanitary conveniences. (Ord. 54-1981)

(u) "DOMESTIC WASTE" -- Liquid wastes from the non-commercial preparation, cooking, and handling of food or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions. (Ord. 54-1981)

(v) "EASEMENTS" -- An acquired legal right for the specific use of land owned by others. (Ord. 54-1981)

(w) "ENVIRONMENTAL PROTECTION AGENCY OR EPA" -- The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

(x) "EXISTING SOURCE" -- Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act. (Ord. 93-2002)

(y) "FECAL COLIFORM" -- Any of the number of organisms common to the intestinal tract of man and animals, whose presence is an indicator of pathogenic microorganisms.

(z) "FLOATABLE OIL" -- Oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city. (Ord. 54-1981)

(aa) "GARBAGE" -- Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce. (Ord. 54-1981)

(bb) "GOVERNMENTAL USER" -- Any User who represents some function of local, regional, state, or federal government and who discharges primarily segregated domestic waste or waste from sanitary conveniences. (Ord. 54-1981)

(cc) "GRAB SAMPLE" -- A sample which is taken from a wastestream with no regard to the flow in the wastestream, and within a time period of 15 minutes or less.

(dd) "INCOMPATIBLE POLLUTANT" -- Any pollutant which is not a "compatible pollutant." (Ord. 54-1981)

(ee) "INDIRECT DISCHARGE" or "DISCHARGE" -- The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

(ff) "INDUSTRIAL USER" or "IU" or "USER" -- Any source of an indirect discharge.

(gg) "INDUSTRIAL WASTES" -- Any solid, liquid, gaseous waste, or heat resulting from any process or excess energy of industry, manufacturing trade, or business, or from the development, processing, or recovery of any natural resource, as distinct from industrial employees' domestic wastes or wastes from sanitary conveniences (normal domestic sewage). (Ord. 54-1981)

(hh) "INFILTRATION" -- Any water other than wastewater, that enters a sewage system from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, "inflow." (Ord. 54-1981)

(ii) "INFILTRATION / INFLOW" -- That total quantity of water from both infiltration and inflow without distinguishing the source. (Ord. 54-1981)

(jj) "INFLOW" -- Any water other than wastewater, that enters a sewage system from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, "infiltration." (Ord. 54-1981)

(kk) "INSTANTANEOUS LIMIT" - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(ll) "INSPECTOR" -- The person or persons duly authorized by the Board of Sanitary Commissioners to inspect and approve the installation of building sewers and their connection to the public sewer system. (Ord. 54-1981)

(mm) "INTERFERENCE" -- "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, does one (1) of the following: (1) Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods; (2) Causes a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation; (3) Prevents the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations: (A) Section 405 of the Clean Water Act (33 U.S.C. 1345). (B) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including: (i) Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and (ii) the rules contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941). (C) The Clean Air Act (42 U.S.C. 7401). (D) The Toxic Substances Control Act (15 U.S.C. 2601).

(nn) "MAHL (Maximum Allowable Headworks Loading)" means the maximum loading of a given pollutant that the POTW can accept without causing an exceedence of the most limiting of the following restrictions:

- (1) POTW upset limits (activated sludge and/or anaerobic digestion);
- (2) Pass-through limits (either NPDES discharge limits or water quality objectives);

- (3) Sludge disposal limits;
- (4) POTW design capacity limits. (Ord. 72-2007)

(oo) "MAIL (Maximum Allowable Industrial Headworks Loading)" means the maximum loading of a given pollutant that can be discharged by the sum total of all industrial users without causing an exceedence of the most limiting of the following restrictions:

- (1) POTW upset limits (activated sludge and/or anaerobic digestion);
- (2) Pass-through limits (either NPDES discharge limits or water quality objectives);
- (3) Sludge disposal limits;
- (4) POTW design capacity limits. (Ord. 72-2007)

(pp) "NATIONAL CATEGORICAL PRETREATMENT STANDARD" or "CATEGORICAL STANDARD" -- Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(qq) "NPDES PERMIT" -- The permit issued to the sewage works under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of the Federal Water Quality Act Amendments of 1972 (Public Law 92-500). (Ord. 54-1981)

(rr) "NATURAL OUTLET" -- Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or any other body of surface or groundwater. (Ord. 54-1981)

(ss) "NEW SOURCE" --

(1) Any building, structure, facility, or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. To determine if the new wastewater generating process is substantially independent of an existing source at the same site, certain factors should be considered. These factors include the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new



building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to being, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a bidding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(tt) "NOV" -- Notice of Violation as defined in 54.75(B).

(uu) "OTHER WASTES" -- Garbage, refuse, wood residues, sand, lime, cinders, ashes, offal, night soil, silt, oil, tar, dyestuffs, acids, chemicals, and all other substances, not sewage or industrial waste, which discharge would cause pollution or cause damage or blockage to sewers. (Ord. 54-1981)

(vv) "pH" -- The logarithm of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution as determined under standard laboratory procedure. (Ord. 54-1981)

(ww) "PASS THROUGH" -- A discharge which exits the POTW into waters of the United States in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit, including an increase in the magnitude or duration of a violation.

(xx) "PERSON" -- Any individual, partnership, co-partnership, firm, company, corporation, association, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assigns legally capable of owning property in the state. (Ord. 54-1981)

(yy) "POLLUTANT" -- Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor). The term includes sewage, industrial waste, and other waste.

(zz) "PRETREATMENT" -- The treatment of pollutants from privately owned sources prior to introduction into a public treatment works except sewage from a residential user. (Ord. 54-1981)

(aaa) "PRETREATMENT REQUIREMENTS" -- Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an Industrial User. (Ord. 38-1985)

(bbb) "PRETREATMENT STANDARDS" or "STANDARDS" -- Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(ccc) "PROHIBITED DISCHARGE STANDARDS" or "PROHIBITED DISCHARGES" -- Absolute prohibitions against the discharge of certain substances; these prohibitions appear in 54.39 of this Chapter.

(ddd) "PUBLIC SEWER" -- A sewer in which all owners of abutting properties have equal rights, and is controlled by a public authority, or owned by the Sanitary District. (Ord. 54-1981)

(eee) "POTW (PUBLICLY OWNED TREATMENT WORKS)" -- A treatment works as defined by Section 212 of the Clean Water Act which is owned by a state or municipality as defined by Section 502 (4) of the Act, includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. (Ord. 54-1981)

(fff) "QUALIFIED PROFESSIONAL" -- An individual who is trained and experienced in wastewater treatment, environmental compliance, or related fields as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enables the individual to make sound, professional judgment regarding a facility's ability to comply with federal, state, and local wastewater rules and regulations. (Ord. 72-2007)

(ggg) "SANITARY SEWER" -- A sewer that carries wastewater, sanitary and industrial, together with incidental land runoff, but to which storm, surface, and ground water are not intentionally admitted. (Ord. 54-1981)

(hhh) "SEPTIC TANK WASTE" -- Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(iii) "SEWAGE" -- Water-carried human and related wastes from any source, together with associated land runoff, sanitary and industrial wastewaters, and polluted cooling water, from residences, commercial buildings, industrial plants, and institutions. The term includes sanitary sewage, industrial sewage, and combined sewage. (Ord. 54-1981)

(jjj) "SEWER" -- A pipe or conduit for carrying either wastewater or land runoff, or both.

(kkk) "SHALL AND MAY" --

(1) "SHALL" -- is mandatory.

(2) "MAY" -- is permissive. (Ord. 54-1981)

(III) "SIGNIFICANT INDUSTRIAL USER (SIU)" --

(1) A User subject to categorical pretreatment standards; or

(2) A User that:

(a) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the Director on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon finding that a User meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Director may at any time, on their own initiative or in response to a petition received from a User, and in accordance with the procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

(mmm) "SLUG" --Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in 54.39 of this Chapter, or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge. (Ord. 93-2002)

(nnn) "STORM SEWER" -- A sewer intended to receive and convey only land runoff, ground water, or unpolluted water from any source and to which sanitary or industrial wastes are not intentionally admitted. (Ord. 93-2002)

(ooo) "TOTAL SUSPENDED SOLIDS" (TSS) -- Solids in a liquid suspension of water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure. (Ord. 93-2002)

(ppp) "TOXIC AMOUNT" -- Concentrations of any pollutants or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of Public Law (92-500). (Ord. 93-2002)

(qqq) "TOXIC POLLUTANTS" -- As defined in the Clean Water Act (PL 95-217), those pollutants, or combinations of pollutants, including disease-causing agents, which, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, through food chains, will, on the basis of information available to the Director, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in the organisms or their offspring. (Section 502 (13)). "Toxic Pollutants" include, but are not limited to the list of 126 Priority Pollutants, or any other list of total toxic organics. The toxic substances of concern in the waste of a particular facility will depend on the raw materials, products, and processes employed at that facility. (Ord. 93-2002)

(rrr) "UNPOLLUTED WATER" -- Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided. (Ord. 93-2002)

(sss) "UPSET" -- Refer to Section 54.66 for the complete definition of Upset and its use as an affirmative defense,

(ttt) "USER" -- See "INDUSTRIAL USER"

(uuu) "VOLATILE ORGANIC MATTER" -- The material in the sewage solids transformed to gases or vapors when heated at 550°C for sixty minutes under standard laboratory procedures. (Ord. 93-2002)

(vvv) "WASTEWATER" -- Treated or untreated liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any inflow and infiltration that may be present, which is discharged into or permitted to enter the POTW. (Ord. 93-2002)

(www) "WATERCOURSE" -- A natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 93-2002)

(xxx) "WASTEWATER TREATMENT PLANT" or "TREATMENT PLANT" -- That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.. (Ord. 93-2002)

(Ord. 72-2011)

#### USE OF PUBLIC SEWERS REQUIRED

##### 54.03 UNLAWFUL DEPOSITS

It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner on public or private property within the Sanitary District or in any area under the jurisdiction of the District any human or animal excrement, garbage, or other objectionable waste. (Ord. 54-1981) Penalty, see 54.75 through 54.85

(Ord. 72-2011)

##### 54.04 CERTAIN WATERS PROHIBITED

No person shall discharge or cause to be discharged, or make a connection to discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwater, surface water, ground water, roof runoff, downspouts, swimming pools, subsurface drainage, noncontact cooling water, unpolluted industrial process water, or other unpolluted waters. (Ord. 93-2002) Penalty, see 54.75 through 54.85

(Ord. 72-2011)

#### 54.05 REMOVAL OF UNPOLLUTED WATERS FROM TREATMENT FACILITY

The Sanitary District shall require the removal of unpolluted waters from any wastewater collection or treatment facility if removal is cost-effective and is in the best interest of all Users of the facilities. (Ord. 54-1981) Penalty, see 54.75 through 54.85

(Ord. 72-2011)

#### 54.06 PRIVIES, VAULTS, SEPTIC TANKS, AND CESSPOOLS PROHIBITED

Except as herein provided, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended for the treatment of sewage or wastewater on any property within the Sanitary District. (Ord. 54-1981) Penalty, see 54.75 through 54.85

(Ord. 72-2011)

#### 54.07 CONNECTION TO PUBLIC SEWERS REQUIRED

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, located within the Sanitary District and abutting on any street, alley, or right-of-way in which there is located a public sewer, is hereby required to connect the house, building, or property directly with the public sewer in accordance with the provisions of this Chapter within three months after the date of official notice to do so. In the event the building drain of the house, building, or property is within 300 feet of a public sewer the owner shall be required to connect the building drain to the public sewer; in the event the house, building, or property is at a distance greater than 300 feet from the public sewer the owner may be required to connect at the discretion of the Board of Sanitary Commissioners, provided that the wastewater treatment facility shall have the capacity to treat the waste of the house, building, or parcel of real estate. (Ord. 54-1981) Penalty, see 54.75 through 54.85

(Ord. 72-2011)

#### 54.08 DISCHARGE OF WASTEWATER TO NATURAL OUTLETS

No person shall discharge or cause to be discharged to any natural outlet any wastewater or deleterious pollutants except where suitable treatment has been provided in accordance with provisions of this Chapter and the NPDES permit. (Ord. 93-2002) Penalty, see 54.75 through 54.85

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#### 54.29 CONNECTION OF SOURCES OF SURFACE RUN-OFF PROHIBITED

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 54-1981) Penalty, see 54.75 through 54.85

(Ord. 72-2011)

#### 54.30 CONNECTION OF FLOOR DRAIN OR PIT DRAIN PROHIBITED

(A) Except as provided in 54.44, no person shall connect any floor drain, pit drain, site drain, or any other drain subject to receiving oil, grease, or gasoline to any sewer either directly or indirectly. (Ord. 93-2002 Penalty, see 54.75 through 54.85

(B) Any drain subject to receiving oil, grease, gasoline, other flammable substances, excessive solids, or sand in accordance with 54.44 shall connect only to a sanitary sewer unless specifically authorized by the Director. (Ord. 93-2002)

54.31 [This section intentionally left blank]

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(Ord. 72-2011)

## EXTENSION OF INTERCEPTOR SEWERS OUTSIDE DISTRICT LIMITS

### 54.33 AUTHORITY OF BOARD; COMPLIANCE WITH ORDINANCES AND STATE LAW

The installation, construction, or extension of interceptor sewers outside the corporate limits of the city, shall be governed solely by the Board of Sanitary Commissioners and any connection to the interceptor shall be subject to the provisions of 54.34 and I.C. 36-9-25-1 et seq. (Ord. 54-1981)

(A) Any existing significant industrial user located beyond the District limits and discharging into the District sewer system shall submit a discharge permit application, in accordance with 54.52 below, within ninety (90) days of the effective date of this Chapter, or in the case a valid permit exists and does not violate any part of this Chapter, shall not have to re-apply until the permit expiration date. New significant industrial users located beyond the District limits shall submit such applications to the Director at least ninety (90) days prior to any proposed discharge into the POTW. (Ord. 93-2002)

(B) Alternately, the Director may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user. (Ord. 93-2002)

(Ord. 72-2011)

### 54.34 PERMIT REQUIRED

Properties outside the territorial limits of the Sanitary District shall not be permitted connections to the sewage utility until a permit has been obtained from the Board of Sanitary Commissioners. (Ord. 54-1981)

(Ord. 72-2011)

### 54.35 SEPTIC TANK WASTES

(A) Septic tank and grease trap waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate 54.39 of this Chapter or any other requirements established by the Director. The Director shall require septic tank and grease trap waste haulers to obtain wastewater discharge permits.

(B) The Director shall require haulers of industrial waste to obtain wastewater discharge permits. The Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Chapter.

(C) All waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) All waste haulers must provide a waste-tracking form for every hauled load. This form shall include, at a minimum, the name and address of the waste hauler, names and addresses of sources of waste, and volume of waste. The form shall be signed by a representative of the source and a representative of the hauler.

(Ord. 72-2011)

#### 54.36 ADDITIONAL CONNECTIONS NOT MANDATORY

No provision of this Chapter shall be interpreted to require the District to accept any additional connections if there is insufficient capacity available in the POTW to accept or treat additional waste. (Ord. 54-1981)

(Ord. 72-2011)

#### 54.37 RULES AND REGULATIONS OF THE DISTRICT

(A) The Board of Sanitary Commissioners may issue a permit for the owner of real estate outside the Sanitary District to connect to the public sewer system provided that the permit shall be issued subject to rules and regulations of the Sanitary District relating to the connection to the publicly-owned sewer of the private building sewer. These regulations shall be determined and published by the Board and shall include a sewer tap fee, a User charge, and construction criteria. The User charge shall be determined by the Board according to the laws of the state, and the United States Environmental Protection Agency. (Ord. 54-1981)

(B) To the extent any User outside the limits of the District connects or discharges into the POTW, the District shall have the same authority to regulate such User, including any Industrial User, pursuant to the same provisions contained within this Chapter.

(Ord. 72-2011)

#### 54.38 GROUNDWATER/SOIL REMEDIATION ACTIVITY

(A) It shall be unlawful for any user to discharge treated groundwater from a groundwater or soil remediation system into the District's POTW without first obtaining a wastewater discharge permit or general permit from the Director. Any violation of the terms and conditions of a wastewater discharge permit or general permit shall be deemed a violation of this Chapter and subjects the permittee to the enforcement and remedies set out in this Chapter. Obtaining a wastewater discharge permit or general permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

Any user proposing to begin or recommence discharging treated groundwater into the POTW must obtain a wastewater discharge permit or general permit in accordance with Section 54.52 (A) below, prior to the beginning or recommencing of such discharge. A wastewater discharge permit application must be filed at least ninety (90) days prior to the date which any discharge will begin. (Ord. 93-2002)

(B) A permitted groundwater or soil remediation system will utilize accepted industrial practices and equipment including, but not limited to oil/water separators for free product capture, particulate removal, air stripping, granular activated carbon, etc.



(C) Each groundwater or soil remediation system will be subject to pollutant parameters specific to the type of remediation activity, including but not limited to gasoline, Diesel or heating fuel, industrial solvents, heavy metals, etc. Pollutants will be limited as follows:

- 1) No discharge of free product in any amount.
- 2) Prohibitions and limitations as specified below in Chapter 54.39.
- 3) No single total toxic organic compound analyzed using approved wastewater methods found in 40 CFR Part 136 shall exceed a concentration that is greater than the lowest achievable detection limit for a given compound in an interference-free sample matrix.

(Ord. 72-2011)

#### 54.39 PROHIBITED WATERS AND WASTE

Except as herein provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into the POTW, except those waters and wastes handled in accordance with the hauled septic and industrial waste requirements specified in this Chapter.

- (a) Any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements. (40 CFR 403.5(a)(1) General Prohibitions) (Ord. 93-2002)
- (b) Heats in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant exceeds 40°C (104°F). (Ord. 93-2002) (40CFR 403.5(b) Specific Prohibitions)
- (c) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-[c]up flashpoint of less than 140°F (60°C) using the text methods specified in 40 CFR 261.21. (40CFR 403.5(b) Specific Prohibitions)
- (d) Any solid or viscous wastes which cause obstruction to the flow in sewers or other interference with the proper operation of any sewer or treatment works. (40CFR 403.5(b) Specific Prohibitions)
- (e) Any “other wastes” as defined in 54.02(pp). (Ord. 93-2002)
- (f) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.
- (h) Any industrial waste that may cause a deviation from the NPDES permit requirements, pretreatment standards, and all other state and federal regulations as now set out or may be set out in the future as a requirement for the NPDES permit.
- (i) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a

public nuisance, or create any hazard in the receiving waters of the POTW. (Ord. 93-2002)

(j) Any waters or wastes except hauled wastes having a pH lower than 5.0 or higher than 12.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works. (40CFR 403.5(b) Specific Prohibitions)

(1) Wastewaters which are monitored on a continuous basis with automated pH monitoring and control devices, and which exceed the limitation of 12.0 will not be cause for a violation if the duration of the excursion for any single event does not exceed 15 minutes, and combined excursions do not exceed 180 minutes in any calendar month. No pH greater than 12.5 shall be authorized for any duration of time. (Ord. 93-2002)

(2) Hauled septic tank waste and hauled industrial waste within the range of 5.0 to 10.0 may be accepted at designated locations at the POTW with prior approval of the Director.

(k) Any of the following substances which shall be termed contaminants. It shall be unlawful for any person to discharge into a public sewer any such contaminate in any quantity where the level of the contaminate exceeds the following daily maximum limit during a 24-hour period or a period of normal daily operations.

(1) The concentration based limitations for the following contaminants apply at the point where the wastewater is discharged to the POTW. At the discretion of the Director, and under the following guidelines, the District may consider mass based limitations in addition to or in place of the concentration based limitations. (Ord. 93-2002)

(a) The Director may consider mass based limits only in situations where a facility has tried in good faith to comply with our local concentration based limits using pretreatment or other legitimate means, and the attempt(s) is unsuccessful, and (Ord. 93-2002)

(b) T  
he District's POTW has ample loading capacity for the contaminants, and the consideration of mass based limits will not cause the POTW to exceed the Maximum Allowable Headworks Loadings at the POTW Headworks and the Industrial Users to exceed the Maximum Allowable Industrial Headworks Loadings at the POTW Headworks (Ord. 72-2007)

(2) To maintain ample loading capacity for total copper, the District shall impose a non-uniform (Tiered) allocation method for total copper as described and quantified in this section. Tier 1 users are existing significant industrial users (SIUs) that do not have a copper limitation in their most recent wastewater discharge permit at the time of adoption of Ordinance 72-2007 on October 15, 2007; these users can discharge wastewater with copper concentrations up to the demonstrated domestic and commercial background level. Tier 2 users are existing significant industrial users (SIUs) that do have a copper limitation in their wastewater discharge permit at the time of adoption of Ordinance 72-2007; these users will remain at the existing local copper limit. Tier 3 is reserved for any new significant industrial user that will have a regulated copper discharge or any Tier 1 user that requests a permit modification to become a regulated copper discharger. New significant industrial

users will be any industrial user required to obtain a wastewater discharge permit following adoption of Ordinance 72-2007. Tier 3 copper limits will be calculated on a case by case basis, but at no time, will a Tier 3 copper limit be established to exceed the Maximum Allowable Industrial Headworks Loading or the Maximum Allowable Headworks Loading for copper at the POTW Headworks.

<u>Contaminate</u>	<u>Concentration (mg/L)</u>
Arsenic (total)	0.09
Cadmium (total)	0.04
Chromium (total)	0.20
Copper (total)	Non-uniform Allocation: Tier 1 Limitation (Domestic/Commercial Background Level) = 0.15 mg/L Tier 2 Limitation (Existing Local Copper Limit) = 0.95 mg/L Tier 3 Limitation = Calculated on a case by case basis while remaining within the POTW's MAHL and MAIL for copper.
Cyanide	0.15
Lead (total)	0.20
Mercury (total)	0.0002
Molybdenum	0.55
Nickel (total)	1.10
Oil (hexane soluble or equivalent)	100.0 [see paragraph 54.39(l) below]
Phenols	1.00
Selenium (total)	0.22
Silver	0.40
Zinc	3.00

(l) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C). Processed vegetable and animal origin fats and oils that cannot solidify or become viscous at temperatures between 32° F and 150° F (0° C and 65° C) may be discharged in excess of 100mg/L. (Ord. 93-2002)

(m) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director.

(n) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(o) Materials which exert or cause any of the following.

(1) Unusual concentrations of inert TSS such as, but not limited to, Fullers earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate. (Ord. 93-2002)

(2) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(3) Unusual BOD chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the POTW. (Ord. 93-2002)

(4) Unusual volume of flow or concentration of wastes constituting “slugs” as defined in 54.02(hhh).

(p) Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the POTW effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 93-2002)

(q) Any waters containing TSS of such character and quantity that unusual provisions, attention, or expense is required to handle the materials at the POTW. (Ord. 93-2002) Penalty, see 54.75 through 54.85

(r) Pollutants, including oxygen-demanding pollutants (BOD etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. (40 CFR 403.5(b) Specific Prohibitions)

(s) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through. (40 CFR 403.5(b) Specific Prohibitions)

(t) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems. (40 CFR 403.5(b) Specific Prohibitions) (Ord. 93-2002)

(u) Trucked or hauled pollutants, except at discharge points designated by the Director as set forth in 54.35 of this Chapter. (40 CFR 403.5(b) Specific Prohibitions)

(v) Any substance in a concentration that may pose danger to human health or the environment.

(w) Any Toxic Pollutant as defined in 54.02(qqq) in a concentration that will cause pass through or interference, or may pose danger to human health or the environment. Except as provided in 54.38(C)(3), local limits for toxic pollutants, including total toxic organics will be considered on a case by case basis, by the Director, for those compounds not regulated through National Categorical Pretreatment Standards or any other pretreatment standards. Local limit calculations will take into consideration such factors including, but not limited to the specific toxic pollutant, flow volume, mass loadings to the POTW, and any other factor to prevent pass through or interference of the POTW or to protect worker health.

(Ord. 72-2011)

#### 54.40 REMEDIES FOR PROHIBITED DISCHARGES; AUTHORITY OF DIRECTOR

(A) If any waters or wastes that contain the substances or possess the characteristics enumerated in 54.39 are proposed to be discharged to the public sewers, the Director may do the following:

(1) Reject the wastes in whole or in part.

(2) Require pretreatment of the wastes as necessary to comply with the limitations defined in this Chapter.

- (3) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for the treating of the wastes.
- (4) The Director may develop best management practices (BMP) by ordinance or in individual wastewater discharge permits or general permits, to implement local limits and the requirements of 54.39.

(B) If the Director permits pretreatment, equalization of wastes, equalization of waste flows, or establishes best management practices (BMP) the Industrial User must develop and submit a compliance schedule for the design and installation of the technology required to meet applicable pretreatment standards. The compliance schedule, design, and equipment shall be subject to the approval of the Director and subject to the requirements of all applicable codes, ordinances, and laws.

(Ord. 72-2011)

#### 54.41 TEST AND ANALYSIS STANDARDS

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with the procedures approved by EPA.

(Ord. 72-2011)

#### 54.42 MAINTENANCE OF PRELIMINARY TREATMENT FACILITIES

Where preliminary treatment facilities for any wastewater or other wastes are required, they shall be operated and maintained continuously in satisfactory and effective operation by the owner, at his expense. (Ord. 54-1981) Penalty, see 54.75 through 54.85

(Ord. 72-2011)

#### 54.43 MONITORING MANHOLE

When required by the Director, the owner of any property serviced by a building sewer carrying non-residential wastes shall install a suitable monitoring manhole together with any necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. Agents of the Sanitary District, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing. Penalty, see 54.75 through 54.85. Monitoring manhole locations shall not be changed without prior approval of the Director. (Ord. 93-2002)

(Ord. 72-2011)

#### 54.44 GREASE, OIL, AND SAND INTERCEPTORS

(A) Grease, oil, sand interceptors and separators, sand traps or retainers shall be provided when required by the Indiana Uniform Plumbing Code, or when in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease, oils, or sand in excessive amounts, or any flammable wastes, or other harmful ingredients, except that the traps or retainers shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the Indiana Uniform Plumbing Code and the Director, and shall be located so as to be readily and easily accessible for cleaning and inspection. (Ord. 93-2002)

(B) These devices shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(C) Where installed, these devices shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 93-2002) Penalty, see 54.75 through 54.85

54.45 [This section intentionally left blank]

(Ord. 72-2011)

#### 54.46 SAMPLES TO BE TAKEN FOR MEASUREMENTS

In all instances the measurement of BOD, TSS, or other compatible or incompatible pollutants within non-residential wastewater shall be measured from samples taken at the monitoring manhole within the boundaries of the property, or at the next manhole downstream from the property boundary provided no other wastewater or pollutants are introduced between the property boundary and the next downstream manhole. (Ord. 54-1981) Penalty, see 54.75 through 54.85

(Ord. 72-2011)

#### 54.47 PERSONS REQUIRED TO PROVIDE MONITORING MANHOLES

All Significant Industrial Users, as defined in 54.02(ggg), shall install a surveillance or monitoring manhole, and all persons discharging into the public sewer system industrial waste mixtures of BOD, TSS, or other compatible pollutants with levels greater than the threshold values as established in Chapter 53 shall provide a monitoring manhole. Monitoring manhole locations shall not be changed without prior approval of the Director. Penalty, see 54.75 through 54.85

(Ord. 72-2011)

#### 54.48 NEW CONNECTIONS

No new connection shall be made to any sanitary, combined, or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the POTW including capacity for treatment of BOD and TSS. (Ord. 54-1981) Penalty, see 54.75 through 54.85

(Ord. 72-2011)

#### 54.49 DEPOSIT OF WASTEWATERS

No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the District, any wastewater or other polluted water except where suitable treatment has been provided in accordance with provisions of this Chapter and the NPDES permit. (Ord. 54-1981)

(Ord. 72-2011)

#### INDUSTRIAL WASTE CHARGES

##### 54.50 SEWER SERVICE SURCHARGE

Producers of industrial wastewaters assessed at pollutant quantities greater than 200 mg/L for BOD. and/or 225 mg/L for TSS, for which the cost of treatment is greater than the normal charges paid by the producer, shall pay to the Sanitary District a sewer service surcharge as determined by the District.

(Ord. 72-2011)

##### 54.51 DETERMINATION OF SURCHARGE

The sewer service surcharge shall be determined by sampling and testing, or contract. In either case, payments shall be based upon current surcharge rates as defined in the District's governing ordinances. (Ord. 54-1981)

(Ord. 72-2011)

##### 54.52 INDUSTRIAL DISCHARGE PERMIT and GENERAL PERMIT, and CONTINUATION of EXPIRED PERMITS

It shall be unlawful for any significant industrial user to discharge wastewater into the District's POTW without first obtaining an industrial discharge permit or general permit from the Director. Any violation of the terms and conditions of an industrial discharge permit or general permit shall be deemed a violation of this Chapter and subjects the permittee to the enforcement and remedies set out in this Chapter. Obtaining an industrial discharge permit or general permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law. (Ord. 93-2002)

The Director may require other industrial users or users, including liquid waste haulers, to obtain wastewater discharge permits or general permits as necessary to carry out the purposes of this Chapter.

Any significant industrial user or user which discharges industrial waste into the POTW prior to the effective date of this Chapter and wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the District for an industrial discharge permit or general permit in accordance with Section 54.52(A) or (B) below, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Chapter except in accordance with an industrial discharge permit or general permit issued by the Director, or in the case, a valid permit exists and does not violate any part of this Chapter, shall not have to re-apply until the permit expiration date. (Ord. 93-2002)

Any significant industrial user or user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit in accordance with Section 54.52 (A) below, prior to the beginning or recommencing of such discharge. An industrial discharge permit application must be filed at least ninety (90) days prior to the date which any discharge will begin. (Ord. 93-2002)

(A) Application for Industrial Discharge Permits

Significant Industrial Users must complete and file with the District a permit application in the form prescribed by the District. No discharge permit will be issued until the following information is made available on the completed permit application. (Ord. 93-2002)

- (1) All information required by Section 54.57(B) of this Chapter;
- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and evaluation;
- (7) Time and duration of discharges;
- (8) Disclosure of the nature and concentration of any pollutants or materials in the discharge prohibited by this Chapter, including a statement regarding whether or not compliance is being achieved on a consistent basis and if not, what additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply.
- (9) Where additional pretreatment and/or operation and maintenance activities will be required to comply with the applicable pretreatment standard, the User must provide a compliance schedule by which the User will provide the additional pretreatment and/or implementation of additional operational and maintenance activities.
  - (a) The schedule must contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of the Chapter including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance.
  - (b) Under no circumstances will the Director permit a time increment for any single step directed toward compliance which exceeds 9 months.



(c) Not later than 14 days following each milestone date in the schedule and the final date for compliance, the User must submit a progress report to the Director. This report must include a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken to return the construction to the approved schedule. In no event shall more than 9 months elapse between such progress reports to the District.

(10) Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision;

(11) All permit applications for new or modified permits must be signed by a principal executive officer of the User.

#### (B) Application for General Permits

(1) At the discretion of the Director, the Director may use general permits to control SIU or User discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- (a) Involve the same or substantially similar types of operations;
- (b) Discharge the same types of wastes;
- (c) Require the same effluent limitations;
- (d) Require the same or similar monitoring; and
- (e) In the opinion of the Director, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(2) To be covered by the general permit, the SIU or User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, and any other information the POTW deems appropriate.

(3) The Director will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU or User meets the criteria in Section 54.52(B)(1)(a) through (e) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.

(4) The Director may not control an SIU or User through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula per 54.52(D)(2)(b).

The Director will evaluate the complete application and data furnished by the User and may require additional information. After full evaluation and acceptance of the data furnished, the District will issue a Wastewater Discharge Permit or General Permit subject to terms and conditions provided in the Chapter.

#### (C) Permit modifications

The Director may modify an individual discharge permit or general permit for good cause including, but not limited to, the following:

- (1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements. (Ord. 93-2002)
- (2) To address significant alterations or additions to the users operation, processes, or wastewater volume or characteristics since the time of the discharge permit issuance. (Ord. 93-2002)
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge. (Ord. 93-2002)
- (4) Information indicating that the permitted discharge poses a threat to the POTW, District personnel, or the receiving waters. (Ord. 93-2002)
- (5) Violation of any terms or conditions of the individual wastewater discharge permit or general permit.
- (6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit or general permit application or in any required reporting. (Ord. 93-2002)
- (7) Revisions of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13. (Ord. 93-2002)
- (8) To correct typographical or other errors in the permit. (Ord. 93-2002)

The filing of a request by the permittee for a discharge permit or general permit modification does not stay any discharge permit or general permit conditions.

(D) Permit Conditions

(1) Wastewater Discharge Permits must include the following:

- (a) A statement that indicates wastewater discharge permit duration (see 54.52(E)).
- (b) A statement that indicates wastewater discharge permit is nontransferable (see 54.52(F)).
- (c) Effluent limits on the average and/or maximum wastewater constituents including best management practices and characteristics based on applicable pretreatment standards.
- (d) When required by the Director, a user developed slug control plan will be added as an addendum to the permit, or the Director may include specific slug control mechanisms in the permit in lieu of the development of a slug control plan.
- (e) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or best management practices (BMP) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the USPS, the date of receipt of the report shall govern.

(f) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(2) Wastewater Discharge Permits may include the following:

(a) Limits on average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization;

(b) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, The Director shall impose an alternate limit in accordance with the Combined Wastestream Formula found in 40 CFR 403.6(e).

(c) Requirements for installation and maintenance of inspection and sampling facilities;

(d) Special conditions the Director may require under particular circumstances of a given discharge including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules;

(e) Compliance schedules; and

(f) Requirements for submission of special technical reports or discharge reports where they differ from those outlined in the Chapter.

(E) Change in Conditions

See 54.74(C)(1-3)

(F) Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. The permittee shall apply for permit reissuance by submitting a completed wastewater discharge permit application no later than ninety (90) days prior to the expiration date of the existing permit. When the permittee has made a timely and sufficient application for the renewal or modification of a permit, the existing permit does not expire until the permit application has been finally approved or denied by the Control Authority. The terms and conditions of the permit may be subject to modification by the Control Authority during the term of the permit as limitations or requirements as identified in this Chapter are modified or other just cause exists. The User shall be informed of any proposed changes in a permit at least 30 days prior to the effective date of change. Where any changes are made in User's permit, a reasonable time shall be given to achieve compliance. (Ord. 93-2002)

(G) Transfer

Wastewater Discharge Permits are issued to a specific User for the process activity specified in the permit. General Permits are permits issued to authorize similar discharge activities by one or more applicants throughout a prescribed geographic area. Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least forty-five (45) days advance notice to the Director, and the Director approves the individual wastewater discharge permit or general permit coverage transfer. The

advance notice to the Director must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes; and
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.

Failure to provide at least forty-five (45) days advance notice of a transfer renders the individual wastewater discharge permit under the general permit void as of the date of the facility transfer.

#### (H) Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- (1) The permittee has submitted a complete permit application at least sixty (90) days prior to the expiration date of the permittee's existing permit; and
- (2) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

(Ord. 72-2011)

### 54.53 TESTING REQUIREMENTS

A User shall cause sampling and analysis and reports thereof to be made to the District, of flow and waste characteristics to determine strength and quantity of BOD and TSS under average conditions. Further testing requirements will be as they appear in the discharge permit issued under 54.52(C).

#### (A) Sampling Procedures

Samples and measurements shall be representative of the volume and nature of the monitored discharge. Samples shall be taken during normal working hours at the specified monitoring manholes.

- (1) Except as indicated in paragraph 2 and 3, below, the User shall collect wastewater samples using flow proportional collection techniques, or time proportional collection techniques, if authorized by the Director. Time proportional samples are composed of constant volume aliquots collected at constant time intervals. This method provides representative samples when the wastewater flow does not vary more than 10% of the average flow rate over time. The time proportional sample can be obtained using an automatic sampler, or by the compositing of a minimum of 4 individual grab samples of the same volume of wastewater, taken during the course of a normal work day.
- (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. A grab sample can be composed of discrete samples, but all samples must be obtained and combined within a 15 minute time period from start of sampling to finish. When taking a grab sample, the entire mouth of the sample jar must be

submerged below the surface of the waste stream. The pH sample should be analyzed immediately and must not be held longer than 15 minutes in any case.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in 54.57(A) and 54.57(B), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by 54.57(D), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(B) The Director may use a grab sample(s) to determine noncompliance with any pretreatment standards. (Ord. 93-2002)

(Ord. 72-2011)

#### 54.54 BILLING PROCEDURE

The District shall sample and analyze the flow of industrial waste to determine the concentration and total quantity of BOD and TSS under average conditions to corroborate the data reported by the Industrial User per the City of Richmond's Ordinance, Chapter 53: Sewer Rates and Charges.

The District shall bill the producer of excess waste on a quarterly basis. Three-month periods shall begin in January, April, July, and October. Periods of less than three months will be billed on a pro-rated basis or as provided by the sewer User rates and charges resolution of the Sanitary District currently in effect. (Ord. 93-2002)

(Ord. 72-2011)

#### 54.55 CONTRACT METHOD

In cases where the contract method is used, billing by the District shall be made as stipulated in 54.54. (Ord. 54-1981)

(Ord. 72-2011)

#### 54.56 BILLING ON A REGULAR BASIS

Any clause or section in this Chapter which calls for a billing on a regular basis at variable or fixed rates shall be billed according to the rates and charges set forth in Chapter 53. (Ord. 54-1981)

(Ord. 72-2011)

#### 54.57 REPORTS

(A) Compliance schedule reports

Any User who is not in compliance with the Chapter's limitations or is not meeting categorical pretreatment standards at the time of promulgation of that standard, must develop a compliance schedule containing increments of progress which correspond to specific dates. The increments represent major events leading to the construction and operation of pretreatment equipment required for the User to meet the applicable standard. No increment shall exceed 9 months in

duration. Users subject to these conditions must submit a progress report to the Director no later than 14 days following each date in the compliance schedule. This report must include whether or not the User complied with the increment of progress to be met on such date, the reason for delay if the date was not met, the date on which the User expects to comply with this increment of progress, and the steps being taken to return to compliance. In no event can more than 9 months elapse between progress reports.

(B) Baseline Monitoring Reports

(1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a)(4), whichever is later, existing Categorical Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph 2, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph 2, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source may provide estimated data on production, flow, presence, and quantity of regulated pollutants if actual data is not available. (Ord. 93-2002)

(2) Users described above shall submit the information set forth below:

- (a) Identifying Information. The name and address of the facility, including the name of the operator and owner.
- (b) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (c) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (d) Flow Measurement. Disclosure of average daily wastewater flow rates in gallons per day to the POTW, including daily, monthly and seasonal variations, if any. Include average daily and maximum daily flow in gallons per day from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e). All flows must be measured unless other verifiable techniques are approved by the Director.
- (e) Measurement of Pollutants.

(1) The categorical pretreatment standards applicable to each regulated process.

(2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, were required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures as set forth in 54.41.

(3) Sampling must be performed in accordance with procedures as set forth in 54.53(a) of this Chapter.

(f) Certification. A statement, reviewed by the User's authorized representative and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements. (Ord. 72-2007)

(g) Compliance Schedule. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements as set forth in 54.57(A) of this Chapter.

#### (C) Categorical Pretreatment Standard Compliance Date Report

Within 90 days following the date for final compliance with applicable pretreatment standards, or in case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to pretreatment standards and requirements shall submit to the Director a report containing the information described in 54.57 (B)(2)(d-f). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with 54.57(E). (Ord. 93-2002)

#### (D) Periodic compliance reports

(1) All Users subject to an applicable pretreatment standard shall, at a frequency determined by the Director but in no case less than four times per year (in April, July, October, and January) each covering the previous three month period, submit a report indicating the nature and concentration, or production and mass where required by the Director, of pollutants in the discharge which are limited by such pretreatment standards. In cases where the Pretreatment Standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. Additionally, this report shall include a measured or estimated flow for the reporting period, or in the case of significant industrial users subject to categorical pretreatment standards, shall include a record of measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with 54.57(E), and must be received or postmarked by the fifteenth (15<sup>th</sup>) day of the month following each monitoring period.

(2) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be

properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge. (Ord. 93-2002)

- (3) If an industrial user subject to the reporting requirements in and of this section monitors any pollutants identified in their permit more frequently than required by their permit, using the procedures prescribed in 54.41, the results of this monitoring shall be included in the report. (Ord. 93-2002)
- (4) Periodic compliance reports may be waived by the Director if the District chooses to monitor the industrial user's required wastewater discharge and no process wastewater is discharged to the District's POTW. (Ord. 93-2002)
- (5) All discharge monitoring and analysis shall be performed in accordance with 54.41. (Ord. 93-2002)
- (6) If industrial user sampling and analysis indicates a violation, the industrial user shall report to the District in accordance with 54.74(A). (Ord. 93-2002)

(E) Signatory Requirement

- (1) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User. The above reports shall contain the certification statement as set forth in 40 CFR 403.6(a)(2)(ii), and shall be signed by an authorized representative of the Industrial User, whom meets the signatory requirements as defined in 40 CFR 403.12(l). (Ord. 72-2007)
- (2) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.
- (3) The following certification statement is required to be signed and submitted by Users submitting permit applications, baseline monitoring reports, compliance reports with the categorical Pretreatment Standard deadlines, all periodic compliance reports and initial request to forego sampling of a pollutant. The following certification statement must be signed by an Authorized Representative as defined in 54.02(d)(1-4):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ord. 72-2011)



#### 54.58 PRETREATMENT STANDARDS

Industrial users shall provide necessary pretreatment as required to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set forth in 54.39 within the time limitations specified by the EPA, the State, or the Director, whichever is more stringent. (Ord. 93-2002)

(A) The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated. (Ord. 93-2002)

(B) State of Indiana Pretreatment Standards are also incorporated into this Chapter. (Ord. 93-2002)

(Ord. 72-2011)

#### 54.59 PRETREATMENT FACILITIES TO BE APPROVED BY DISTRICT

Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the District, and no construction of the facilities shall be commenced until approval in writing is granted. Where these facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the User, at the User's expense, and shall be subject to periodic inspection by the District to determine that the facilities are being operated in conformance with applicable federal, state, and local laws and permits. The User shall maintain operating records and shall submit to the District, periodic reports, as required in the User's Wastewater Discharge Permit, of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against District monitoring records. Penalty, see 54.75 through 54.85

(Ord. 72-2011)

#### 54.60 CERTAIN UNPOLLUTED WATERS PROHIBITED

No person shall discharge or cause to be discharged, or make a connection to discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwater, surface water, ground water, roof runoff, downspouts, swimming pools, subsurface drainage, or noncontact cooling water, unpolluted industrial process water, or other unpolluted waters. (Ord. 93-2002) Penalty, see 54.75 through 54.85

(Ord. 72-2011)

#### 54.61 STRENGTH OF DISCHARGE USED TO ESTABLISH CHARGES

Strength of wastewaters shall be determined, for periodic establishment of charges provided for in Chapter 53, from samples taken at the structure(s) mentioned in 54.43 and 54.59 at any period of time and of such duration and in such a manner as the District may elect, or, at any place mutually agreed upon between the User and the District. Appropriate charges for sampling and analysis shall be assessed to the User at the option of the District. The results of routine sampling and analysis by the User may also be used for determination of charges with appropriate verification by the District.

54.62 [This section intentionally left blank]

(Ord. 72-2011)

## 54.63 ACCIDENTAL DISCHARGES and SLUG DISCHARGES

### (A) Accidental discharges

Each Industrial User having the ability to cause interference with the POTW treatment plant or to violate the regulatory provisions of this Chapter shall implement a plan to provide protection against accidental discharge to the POTW of prohibited materials or other substances regulated by this Chapter. The Director may require any User to develop, submit for approval, and implement such a plan. Facilities to prevent accidental discharge or prohibited materials from entering the POTW shall be provided and maintained at the User's own cost and expense. All Industrial Users whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause interference with the POTW must have detailed plans on file at the District showing facilities and operating procedures to provide this protection. Plans shall be approved by the District before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.

#### (1) Notification

In the case of an accidental or deliberate discharge of compatible or incompatible pollutants which may cause interference at the POTW or violate regulatory requirements of this Chapter, it shall be the responsibility of the Industrial User to immediately telephone and notify the District of the incident as set forth in 54.74(B)(1) of this Chapter. This notification shall include name of caller, location and time of discharge, type of wastewater, concentration, volume, and corrective actions. (Ord. 38-1985)

#### (2) Written report

Within ten (10) working days following such an accidental or deliberate discharge, the Industrial User shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences as set forth in 54.74(B)(2) of this chapter. Follow-up reports may be required by the District as needed. Such report, or reports, shall not relieve the Industrial User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report relieve the User of any fines, civil penalties, or other liability which may be imposed by the Chapter or otherwise. Failure to report accidental or deliberate dischargers may, in addition to any other remedies available to the District, result in the revocation of the User's Wastewater Discharge Permit. (Ord. 38-1985)

### (B) Slug Control Plan

Each significant industrial user must be evaluated for a slug control. The Director may require any User to develop, submit for approval, and implement such a plan. A slug control plan shall address, at minimum, the following:

- (1) Include definition of Slug Discharge as per this chapter 54.02(hhh).
- (2) Description of discharge practices, including non-routine batch discharges;
- (3) Description of stored chemicals;

(4) Procedures for immediately notifying the Director of any discharge meeting the definition of "Slug Discharge", as set forth in 54.74(B) of this Chapter; and

(5) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

#### (C) Evaluation Criteria

Criteria used to evaluate the need for an accidental or slug control will be site specific, but at a minimum will consider 1) quantity and types of materials used or stored and their potential for causing violation of local limits or the general or specific prohibitions; 2) potential for such materials to enter the sewer systems and cause damage, pass through or interference; and 3) existing controls to prevent any potential accidental or slug discharges.

#### (D) Notification of Change

The IU must notify the Director immediately of any change that occurs at a facility that affects the potential for an accidental or slug discharge, thereby allowing the District to reevaluate the need for a accidental or slug control plan or other actions to prevent such discharges.

(Ord. 72-2011)

#### 54.64 DILUTION

No User shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards when effective, or in any other pollutant-specific limitation developed by the District or State. (Ord. 38-1985)

The District may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate. (Ord. 93-2002)

(Ord. 72-2011)

#### 54.65 NOTICE TO EMPLOYEES

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge of a prohibitive material. Employers shall insure that all employees who are in a position to cause, discover, or observe such an accidental discharge are advised of the emergency notification procedures. (Ord. 38-1985)

(Ord. 72-2011)

#### 54.66 UPSETS

(A) Upset means an exceptional incident in which there is a unintentional and temporary noncompliance with categorical and/or noncategorical pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment

facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical and/or noncategorical pretreatment standards if the requirements of paragraph (C), below are met.

(C) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the User can identify the cause(s) of the upset
- (2) The facility was at the time being operated in a practical and competent manner and in compliance with applicable operation and maintenance procedures; and
- (3) The User has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset.
  - (a) A description of the upset and specific cause of noncompliance
  - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical and/or noncategorical pretreatment standards.

(F) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical and/or noncategorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. 72-2011)

#### 54.67 RECORD RETENTION

Users subject to the reporting requirements of this Chapter shall retain at the location of the User's regulated facility, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and documentation associated with best management practices (BMP) established under 54.39. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by Director.

(Ord. 72-2011)

54.68 ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

The Director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(A) Chronic violations - Sixty-six (66%) or more of all measurements taken during a six month period exceed, by any magnitude, a numeric standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations - Thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six month period equal or exceed the product of the numeric standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l), multiplied by the applicable TRC listed below:

Conventional Pollutants: Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Fats, Oil, Grease (FOG).

TRC LIMIT - numeric standard or requirement x 1.4

NOTE: Discharge of conventional surcharge pollutants in excess of threshold concentrations will not constitute a violation unless the discharge satisfies a condition in 1.C or 1.D below.

All Other Pollutants except pH:

TRC LIMIT - numeric standard or requirement x 1.2;

(C) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l), such as daily maximum, long-term average, instantaneous limit, or narrative standard that the District determines has caused, alone or in combination with other discharges, interference (i.e. slug loads) or pass through, including endangering the health of District personnel or the general public;

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment; or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge.;

(E) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within forty-five (45) days after the due date, required reports such as baseline monitoring reports, report on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance; or

(H) Any other violation or group of violations, which may include a violation of Best Management Practices (BMPs), that the District determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 72-2011)

#### 54.69 CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge, permit application, wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets as stated in 40 CFR Part 2, which refers to public information. Any such request must be asserted at the time of submission of the information or data by stamping the words, "confidential business information", on each page containing such information. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. Regardless of information being stamped "confidential business information", this information shall be made available for governmental agencies for use in all matters pertaining to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report.

(Ord. 72-2011)

#### POWER AND AUTHORITY OF INSPECTORS

##### 54.70 PROPER CREDENTIALS OR IDENTIFICATION REQUIRED

Any person, Director, or other duly-authorized employee shall present proper credentials or identification before entering upon property of the User. (Ord. 54-1981)

(Ord. 72-2011)

##### 54.71 RIGHT OF ENTRY

(A) The Director shall have the right to enter premises of any User to determine whether the User is complying with all requirements of this Chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and performance of any additional duties.

(1) Where a User has a security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

(3) The Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and

proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the User.

(5) Unreasonable delays, defined as longer than fifteen (15) minutes, in allowing the Director access to the User's premises shall be a violation of this Chapter.

(B) If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director may seek issuance of a search warrant from any court of general jurisdiction within Wayne County, Indiana.

(Ord. 72-2011)

#### 54.72 SAFETY STANDARDS

While performing the necessary work on private properties referred to in 54.71 the Director or other duly-authorized employees of the District shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the District employees. The District shall indemnify the company against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in 54.43. (Ord. 54-1981)

(Ord. 72-2011)

#### 54.73 ENTRY, WORK TO BE IN ACCORDANCE WITH EASEMENT

The Director and other duly-authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 54-1981)

(Ord. 72-2011)

#### 54.74 NOTIFICATIONS

##### (A) 24 Hour Notification/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. If sampling performed by the District indicates a violation the User will be notified within twenty-four (24) hours of becoming aware of the violation. In all instances, the User shall repeat the sampling and analysis and submit the

results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation.

(B) Reports of Potential Problems

(1) In the case of any discharge, including, but not limited to, accidental discharges, slug discharges, or any other non-routine discharges, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(2) Within ten (10) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

(3) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph 1, above. Employers shall insure that all employees who are in a position to cause, discover, or observe an accidental discharge are advised of the emergency notification procedures.

(4) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

(C) Reports of Changed Conditions

All Industrial users must notify the Director of any planned significant changes to the User's operations or system which will alter the volume or characteristics of its wastewater, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 54.74(D), at least thirty (30) days before the change. Industrial users described in 54.74(C)(5) below are subject to additional notification of change reporting procedures. (Ord. 93-2002)

(1) For purposes of this requirement, significant changes include, but are not limited to, flow increases/decreases of twenty percent (20%) or greater, and/or the discharge of any previously unreported pollutants.

(2) The Director may require the User to submit information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 54.52 of this Chapter.

(3) The Director may issue a wastewater discharge permit under Section 54.52 of this Chapter or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

(4) No user shall implement the planned changed condition(s) until and unless the Director has responded to the industrial user's notice. (Ord. 93-2002)

(5) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the



Director within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. (Ord. 93-2002)

(D) Notification of the Discharge of Hazardous Waste

(1) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the Notification also shall contain the following information to the extent such information is known and readily available to the User; an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste-stream discharged during that calendar month, and a estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 54.74(C) of this Chapter. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirement of 54.57(B-D) of this Chapter.

(2) Discharges are exempt from the requirements of paragraph A, above, during a calendar month in which the discharge is no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes (in a calendar month, or of any quantity of acute hazardous wastes) as specified in 40 CFR 261.30(d) and 261.33(e), required a onetime notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) All industrial users permitted by the District shall make a one time notification to the Director on the District's "Hazardous Waste Notification Form" stating if the company is subject to the reporting conditions in 54.74(D)(1-2). (Ord. 93-2002)

(6) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Chapter, a permit issued thereunder, or any applicable Federal or State law.

(E) Reports from Non-permitted Users

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

Written reports required under any section of this Chapter will be deemed to have been submitted on the date post-marked. For reports which are not marked, or do not show a postmark, the date of receipt of the report shall govern.

(Ord. 72-2011)

## ENFORCEMENT AND REMEDIES

### 54.75 ADMINISTRATIVE ENFORCEMENT/REMEDIES

An Enforcement Response Guide (ERG), prepared for passage, and approved in conjunction with this ordinance, by the Board of Sanitary Commissioners of the Richmond Sanitary District shall be used to ensure that the requirements of 40 CFR Part 403 of the Clean Water Act are met. The ERG outlines various Administrative Actions the Director may take for various pretreatment violations. The maximum fine shall be two thousand five hundred (\$2,500.00) dollars per day per violation. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or general permit, the Director shall refer to the Enforcement Response Guide (ERG) to ensure reasonable and equitable enforcement. The Director shall review and update, on an annual basis, for the Board of Sanitary Commissioners any changes needed to insure compliance with the Federal, State and Local Pretreatment Regulations as listed in the Act and this Chapter.

(A) Informal Notice - An Informal notice may be either a documented phone call, email (written warning), or a site visit/meeting notifying the User of minor incidences that have occurred and that need to be corrected. Repeat performance of the same incidence or escalation of the incidence will result in escalated enforcement action.

(B) Notice of Violation (NOV) – An NOV is a written notification to the IU indicating the type of apparent violation and requesting a written response within ten (10) days, indicating a reason for the noncompliance and what steps are being taken to eliminate any future violations of similar nature..

(Ord. 72-2011)

### 54.76 CONSENT ORDERS AND INTERIM LIMITS

(A) The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Interim Discharge Limits may be included in a Consent Order, at the discretion of the Director, when the User is working in good faith to correct the noncompliance. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 54.78 and 54.79 of this Chapter and shall be judicially enforceable.

(B) Interim Discharge Limits (Interim Limits) may be issued as a condition of a pretreatment enforcement response. Any Consent Order issued to an IU under the provisions of this Chapter may include Interim Limits for the duration of such Order. Interim Limits shall be established and approved by the Director. If Interim Limits are established, the IU shall acknowledge that any violation of such limits will, in addition to any other remedies or causes of action the District may have, result in penalties for each

such violation. Compliance with Interim Limits shall not relieve the IU from liability under the provisions of this Chapter, Federal or State regulations or statutes except as specifically provided in the Consent Order in which they are incorporated. Interim Limits shall not exceed five (5) times the IU's current permit discharge limit(s).

(Ord. 72-2011)

#### 54.77 SHOW CAUSE HEARING

The Director may order a User which has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorize representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

(Ord. 72-2011)

#### 54.78 ADMINISTRATIVE COMPLIANCE ORDERS

When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the User responsible for the discharge directing that the User come in compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability of any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(Ord. 72-2011)

#### 54.79 CEASE AND DESIST ORDERS

When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violation and directing the User to:

(A) Immediately comply with all requirements; and

(B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operation and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the Users.

(Ord. 72-2011)

#### 54.80 ADMINISTRATIVE FINES

(A) When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such User in an amount not to exceed two thousand five hundred (\$2,500.00) dollars as set forth in the Enforcement Response Guide. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(B) Unpaid charges, finds, and penalties shall after forty-five (45) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1 1/2%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.

(C) Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director may convene a meeting on the matter. In the event the User's appeal is successful, the payment, together with an interest accruing thereto, shall be returned to the User.

(D) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(Ord. 72-2011)

#### 54.81 EMERGENCY SUSPENSIONS

The Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial, endangerment to the health or welfare of persons.

The Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(A) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment of any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 54.82 of this Chapter are initiated against the User.

(B) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the

Director prior to the date of any show cause or termination hearing under Section 54.77 or 54.82 of this Chapter. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(Ord. 72-2011)

#### 54.82 TERMINATION OF DISCHARGE

In addition to any other provisions of this Chapter, any User who has violated or continues to violate the following conditions is subject to discharge termination:

- (A) Violation of wastewater discharge permit conditions;
- (B) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (C) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (D) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling;
- (E) Violation of the pretreatment standards in Section 54.58 of this Chapter. Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 54.77 of this Chapter why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

(Ord. 72-2011)

#### 54.83 JUDICIAL ENFORCEMENT REMEDIES

##### (A) Injunctive Relief

When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition through any court of general jurisdiction within Wayne County, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

##### (B) Civil Penalties

In addition to the administrative fines available herein, a User who has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall also be liable to the District for a maximum civil penalty of two thousand five hundred (\$2,500.00) dollars per violation, per day. In the case of a monthly or other long-term average, discharge limit, penalties shall accrue for each day during the period of the violation.

(1) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(2) Filing a suit for civil penalties shall not be a bar against, or a prerequisite, for taking any other action against a User.

(C) The Director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District

(Ord. 72-2011)

#### 54.84 REMEDIES NONEXCLUSIVE

The remedies provided for in this Chapter are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the District Enforcement Response Plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

(Ord. 72-2011)

#### 54.85 VIOLATER TO PAY DAMAGES

In addition to the fines provided in 54.75 for conviction of a violation of this Chapter the Sanitary District shall cause to be collected from the violator an amount equal to all damages as are sustained by the District as a result of the violation. (Ord. 54-1981)

(Ord. 72-2011)

#### 54.86 ADMINISTRATIVE APPEAL

In the event that a User disputes any interpretation or ruling of the Director on matters covered by the Chapter, that User may request an appeal before the entire Board of Sanitary Commissioners, which request must be in writing and be made within thirty (30) days of the Director's action. A hearing will be held by the Board at which time the User may present its arguments on the issue.

(Ord. 72-2011)

#### 54.87 FALSIFYING INFORMATION

Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall be subject to administrative fines and other enforcement measures. (Ord. 38-1985)

(Ord. 72-2011)

#### 54.88 STATUTORY AUTHORITY

(A) This Chapter is adopted pursuant to I.C. 36-9-25-1 et seq., and all other statutes of the state, as amended, relating to sewers and sanitation departments and districts, and the Board of Sanitary Commissioners shall have the powers conferred by state law.

(B) The Board of Sanitary Commissioners shall, in accordance with state law, make and enforce whatever bylaws, rules, and regulations it may deem necessary for the safe, economical, and efficient management of the sewage utility, for the construction and use of building sewers and connections to the sewerage system, for the regulation of the rates and subsequent collection of charges for any strength of waste surcharge, and in general for the implementation of the provisions of this Chapter. (Ord. 54-1981)

(Ord. 72-2011)

#### INTERPRETATION

#### 54.89 SEVERABILITY

The invalidity of any section, clause, sentence, or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without the invalid part or parts. (Ord. 54-1981)

(Ord. 72-2011)

#### 54.90 COMPLIANCE WITH STATE OR FEDERAL REQUIREMENTS

All provisions of this Chapter and limits set herein shall comply with any applicable state or federal requirements now, or projected to be, in effect. (Ord. 54-1981)

(Ord. 72-2011)

#### 54.91 APPLICABLE STANDARDS

Upon the promulgation of the National Categorical Pretreatment Standards for a particular Industrial User, the said standard, if more stringent than the limitations imposed under this Chapter for sources in that category, shall, when effective, immediately supersede the limitations and conditions imposed under this Chapter. State requirements and limitations on discharges apply in any case where they are more stringent than Federal requirements or those contained in this Chapter. (Ord. 38-1985) (Entire Chapter revised by Ord. 69-1997)

(Ord. 72-2011)

#### 54.92 TENANT RESPONSIBILITY

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is a user other than a domestic user, either or both may be held responsible for compliance with the provisions of this Chapter.

(Ord. 72-2011)